

**REGIONAL BOARD RESPONSES TO CARLSBAD WATERSHED NETWORK MARCH 3, 2008 COMMENTS**

**ITEM 6, SUPPORTING DOCUMENT NO. 13  
ORDER NO. R9-2008-0004  
IN SETTLEMENT OF  
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R9-2007-0099  
ISSUED TO CITY OF VISTA AND  
CITY OF CARLSBAD**

<b>Comment No.</b>	<b>Comment</b>	<b>Regional Board Staff Response</b>	<b>Changes to Tentative Order</b>
<b>Preventive Action Recommendations</b>			
1	Establish timetables and budgets for replacement of aging sewer infrastructure based on risk of failure and impacts on the watershed- not the vagaries of local agency funding and shifting priorities that puts sewer infrastructure low on the priority list	Recommendation noted. The issue is best addressed in the Discharger's Sewer System Management Plan as required by the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems Order No. 2006-0003-DWQ.	None
2	Include more stringent requirements for monitoring sewer conditions - particularly in aging force main segments where risk is high. Human inspection alone has failed to protect our watersheds.	Recommendation noted. The issue is best addressed in the Discharger's Sewer System Management Plan as required by the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems Order No. 2006-0003-DWQ.	None
3	Tie severity of fines and penalties to compliance with an acceptable, established replacement and monitoring program. The cities of Vista and Carlsbad moved up their replacement schedule for this particular sewer segment as part of a negotiated settlement. It needs to be clear that failure to have a realistic replacement plan, and failure to comply with such a plan, will result in greater fines and penalties.	Recommendation noted. Potential penalties could be imposed upon review of the Discharger's Sewer System Management Plan as required by the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems Order No. 2006-0003-DWQ.	None
4	Require all local jurisdictions to improve emergency response plans- including better documentation of as-built conditions, staff reporting and contracting for	Recommendation noted. This is required/anticipated by the Statewide General Waste Discharge Requirements for Sanitary Sewer	None

**ITEM 6**  
**SUPPORTING DOCUMENT NO. 13**

Comment No.	Comment	Regional Board Staff Response	Changes to Tentative Order
	technical support services.	Systems Order No. 2006-0003-DWQ.	
<b>Comments on Tentative Order</b>			
1	Add a specific requirement for an improved monitoring system of the impacted force main segment. In the best case it will still be years before this segment is replaced- leaving the lagoon at risk for more spills. The current system of a daily human observation failed to detect this spill.	Recommendation noted. This is required/ anticipated by the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems Order No. 2006-0003-DWQ.	None
2	Add a specific requirement to find and make accessible complete as-built system plans by date certain. Failure to locate such plans in a timely manner increased the amount of this spill.	Recommendation noted. This could be added as a requirement to the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems Order No. 2006-0003-DWQ.	None
3	Item 1.a does not specify a time period for compliance. The key issue is actual completion of the construction project to replace this segment of the force main. A plan and budget alone does not assure that the construction is actually done, or done within a reasonable period of time. The public notice talks about a time frame, but this is not included in the actual language of the TO.	It was not feasible to set a completion date due to constraints by permitting and construction variability. The tentative order does require a commitment by the Discharger's to fund, design, and timely construct a Buena Vista sewer main upgrade. The Regional Board has enforcement authority outside the tentative order to ensure the timely construction of the sewer main upgrade.	None
4	Item 2.b describes the standard SEP process. We are very supportive of the planned project to restore the Buena Vista Lagoon. We recognize that this \$ 50-\$100M unfunded project is still years away, and we are fully committed to supporting this effort as long as it takes. Over 1,700 of our local wildlife died from this sewer spill. The protected Light-footed Clapper Rail habitat area was impacted. We would like to see at least some of these funds result in a direct, real benefit to the wildlife resources of Buena Vista Lagoon.	Recommendation noted. The Dischargers will have 60 days from adoption of the tentative order to submit a fully developed Supplemental Environmental Project for the Regional Boards consideration	None